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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,991	03/02/2004	Stephen M. Pixley		4873

4631 7590 10/13/2005
JACK C. MUNRO, INC.
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EXAMINER

WAGGONER, TIMOTHY R

ART UNIT PAPER NUMBER

3651

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/791,991	Applicant(s) PIXLEY ET AL.	
	Examiner Timothy R. Waggoner	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

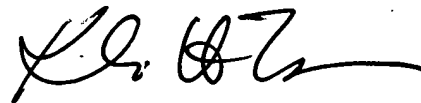
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



KHOI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/02/2004</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|--|

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DETAILED ACTION

Requirement for Information Under 37 CFR §1.105

1. Applicant and the assignee of this application are required under 37 CFR §1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to extend the domain of search for prior art. Limited amounts of art related to the claimed subject matter are available within the Office, and are generally found in class 221 and subclasses 112-118, which describe rotary vending machines. A broader range of art to search is necessary to establish the level of knowledge of those of ordinary skill in claimed subject matter of a Tool vending machine with a carrousel system with multiple bin sizes and secure doors with movable baffles.
3. In response to this requirement, please provide the citation and a copy of each publication which any of the applicants authored or co-authored and publications describing inventions the assignee owns or that the assignee has knowledge and which describe the claimed subject matter of a tool vending machines, bins of varied sizes, carrousel systems, secure locking doors, and baffling systems. This information should include, but should not be limited to, information regarding devices and publications that utilize the technology described by United States' patent application 10/791991.
4. For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.
5. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the

scope of this requirement under 37 CFR §1.105 that are included in the applicant's first complete communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37

CFR §1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

6. In responding to those requirements that require copies of documents where the document is bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated, the subject matter found in applicant's disclosure.

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

Specification

8. The disclosure is objected to because of the following informalities: Line 9 of page 11 states "tray levels 42" prior to this in the specification 42 is used to refer to trays. No number could be found to replace 42, in the drawings so prosecution will continue with the number omitted until a suitable number is provided. Line 10 of page 11 states "doors 14", prior to this in the specification doors are assigned the number 18. Prosecution will continue with 14 being replaced with 18.

Appropriate correction is required.

Claim Objections

9. Claim 10 objected to because of the following informalities: In the second line of the claim the phrase "plates being mounted on directly adjacent said door" it appears that a word is missing examiner recommends adding the word "sidewall" or phrase "said sidewall". Prosecution will continue with the phrase being read as "plates mounted on -- said sidewall-- directly adjacent said door."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 8 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a rack and pinion to operate the movable baffle, does not reasonably provide enablement for the use of a rack and pinion to move the carousel system. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Claim 8 states that "said moving means (see claim 1 line 9 for first use) comprising a rack and pinion assembly"; in the search for prior art similar vending apparatuses used pulleys or chains in conjunction with a motor and gear system to move their carousels.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2, 4-7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Krakauer USPN 4,391,388.

Krakauer discloses a vending machine comprising:

- "A housing having a sidewall"(12 figure 1) and a "door mounted in said sidewall ... located within a door opening"(28 a-k figure 1)
- "at least one first compartment" (26 figure 2)
- "at least one second compartment ... being larger in size then said first compartment" (22e figure 2)
- "moving means for moving said first compartment and said second compartment ... to be located directly adjacent said door to permit manual access into ... only a single said compartment" (figure 4)
- "selection means mounted on side wall ... permit manual selection of either said first compartment or said second compartment"(30 a-k figure 1)
- "baffle means ... to be movable to change size of said door opening so said door opening corresponds in size with the size of said compartment that is align with said door" (figure 4)

Where said vending machine described above may also contain:

- "a plurality of said doors."(28 a-k figure 1)
- "a plurality of said first compartments."(26 figure 2)
- "said first compartments being mounted on a level of a first bin carousel, each said compartment in said level of said first bin carousel all being of the same size." (line 41 column 3)
- "a plurality of said second compartments." (22e figure 2)

- "said second compartments being contained within a level of a second bin carousel." (line 41 column 3)
- "said baffle means comprising a pair of plates movable simultaneously in opposite directions." (figure 3)
- "said plates being mounted on (said sidewall) directly adjacent said door." (figure 3)

12. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Krakauer USPN 4,391,388.

Krakauer discloses a vending machine comprising:

- "a bin carousel tray assembly that has a plurality of different size compartments" (24 figure 2)
- "selection means for selecting a compartment of said compartments to be moved directly adjacent to and in alignment with a door" (30 a-k figure 1)
- "a baffle assembly mounted in conjunction with said door ... to automatically adjust size of .. opening to correspond to size of said compartment" (figure 3)

Where said vending machine above may also contain:

- a "bin carousel assembly comprising a plurality of carousels with each said bin carousel tray containing only compartments of a given size and where each said bin carousel contains a different size compartment" (line 41 column 3, figure 1)
- "said baffle assembly comprises a plurality of plates." (figure 3)
- "said plurality of plates actually comprising a pair of plates which are movable simultaneously in opposite directions." (figure 3)

13. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Krakauer USPN 4,391,388.

Krakauer discloses "a method for automatically extracting a tool from a compartment with there being a plurality of different size compartments"

- "manually selecting" an article (30 a-k figure 1)

- "moving said compartments until a desired compartment is located to be manually accessible" (figure 4)
- "automatically adjusting said opening to correspond to size of said compartment"(figure 3)

Where said method described above may also contain:

- "the additional step of mounting said compartments on a series of bin carousel where each tray of said carousel has only a single size of said compartments."
- "said step of automatically adjusting is accomplished by moving a plate assembly to restrict or enlarge said opening." (figure 3)
- "plate assembly is accomplished by moving a pair of plates in opposite directions." (figure 3)

Allowable Subject Matter

14. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

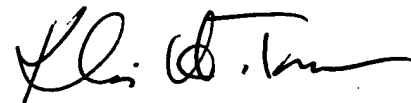
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571)272-8204. The examiner can normally be reached on Mon-Fri 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW

A handwritten signature in black ink, appearing to read 'Khoi H. Tran', written in a cursive style.

KHOI H. TRAN
PRIMARY EXAMINER